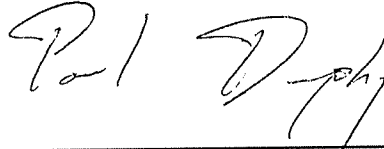


TO: Chair and Members of Western Region Community Council



SUBMITTED BY:

Paul Dunphy, Director of Community Development

DATE: March 26, 2008

SUBJECT: Case 01138: Housekeeping Amendments - Subdivision of Semi-Detached Dwellings, Planning District 5

ORIGIN

Application initiated by staff.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading to consider an amendment to the requirements for the subdivision of semi-detached dwellings in the Planning District 5 (Chebucto Peninsula) Land Use By-law, as shown in Attachment "A".
2. Approve the proposed amendments to the Planning District 5 (Chebucto Peninsula) Land Use By-law, as shown in Attachment "A".

BACKGROUND

The Chebucto Peninsula Land Use By-law provides for the development of two unit dwellings within the R-2 (Two Unit Dwelling), R-2a (Residential Home Occupation), R-6 (Rural Residential), HCR (Herring Cove Residential), V-1 (Harrietsfield Village Centre), V-3 (Ketch Harbour Village Centre), C-1 (Local Business) and C-2 (General Business) Zones. A semi-detached dwelling is a specific type of two unit dwelling where the units are vertically divided from each other by a common wall.

Semi-detached dwellings are a compact form of housing which are most often developed in areas with central sewer and water services. With the exception of the V-1 and V-3 Zones, all of the zones listed above are located within portions of the Chebucto Peninsula Plan Area that are capable of being serviced with central sewer and water services.

With the extension of sewer and water services to the Herring Cove area, some properties have been developed with new, semi-detached dwellings. Once constructed, the lot is typically subdivided along the common wall to place each unit on its own lot and allowing the units to be sold. However, none of the zones previously listed provide for the subdivision of semi-detached dwellings. Without the provision for subdivision, each unit cannot be held in separate ownership and only leasehold tenure is possible. This appears to be an oversight and the land use by-law should be amended to correct the situation.

DISCUSSION

The subdivision of semi-detached dwellings is typically permitted in all areas of HRM that permit them as a housing form with the Halifax Mainland area being the closest in proximity to this plan area. There is no differentiation in the land use by-law or the Chebucto Peninsula Municipal Planning Strategy (MPS) between two unit dwellings and semi-detached dwellings. Further, within the Residential Designation, the MPS states, "Two unit dwellings are supported throughout most of the residential designation in order to encourage a mixture of housing while at the same time preserving a low density environment. In order to maintain low density development in fully serviced areas, each unit of a two unit dwelling will be required to have minimum lot requirements similar to single unit dwellings. This will ensure that two unit development maintains a similar overall density as does single unit development."

This direction, provided by the MPS, is implemented through the various zone standards in the land use by-law, however, provision is also made for the development of existing lots which do not meet these standards. The land use by-law provides that all existing undersized lots having less than the minimum frontage, depth or area required by the by-law, may be developed for any purpose permitted in the zone in which the lot is located provided all other applicable provisions

in the by-law are satisfied. This means that, under the present by-law, certain existing lots that don't meet the minimum lot standards may also be developed with semi-detached dwellings.

For new development, the land use by-law contains minimum requirements for lot frontage, lot area, yard clearances, building height and lot coverage for two unit dwellings. The By-law, however, does not include a provision that allows for the creation of a zero side yard which is required for semi-detached units to be subdivided along the common division wall.

The proposed amendments enable the subdivision of semi-detached dwellings in all zones where two unit dwellings are permitted in areas serviced by central sewer and water services. These amendments will rectify what appears to be an oversight in preventing existing and new semi-detached dwellings from being subdivided.

Public Information Meeting

A public information meeting has not been held in connection with the proposed amendments. Should Community Council decide to proceed with a public hearing, residents will be notified of the hearing through published newspaper advertisements.

It is recommended that Western Region Community Council approve the amendments to the Land Use By-law as outlined in Attachment "A".

BUDGET IMPLICATIONS

None. The costs to process this application can be accommodated within the approved C310 operating budget.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Approve the proposed amendments. This is the staff recommendation.
2. Refuse the proposed amendments. Pursuant to Section 230(6) of the *Municipal Government Act*, Council is required to provide reasons justifying this refusal, based on policies of the Municipal Planning Strategy for Planning District 5. This alternative is not recommended, as it would not enable the subdivision of semi-detached dwellings and restrict these buildings to leasehold only tenure.

ATTACHMENTS

Attachment A Amendments to the Planning District 5 Land Use By-law

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Paul Sampson, Planner I - 490-6259



Report Approved by: Austin French, Manager of Planning Services, 490-6717

Attachment A

Proposed Amendments to the
Planning District 5 Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Planning District 5 Land Use By-law as enacted by the Council of Halifax Regional Municipality on the 5th day of December, 1994 and approved by the Minister of Municipal Affairs on the 9th day of February, 1995 as amended, is hereby further amended as follows:

1. By adding the following new section after Section 4.7:

4.7A SUBDIVISION OF SEMI-DETACHED DWELLINGS

- (a) Provided that all other applicable provisions in this By-law are satisfied, where a lot containing a semi-detached dwelling is subdivided so that each dwelling unit is on its own lot, there shall be no setback required from the common lot boundary.
- (b) Where a semi-detached dwelling exists on one lot, or is to be constructed on a lot pursuant to Section 4.5 of this By-law, and such lot does not meet the lot area or frontage requirements for subdivision under this By-law, a subdivision may be approved to place each dwelling unit on its own lot, provided that each lot has a minimum frontage of 20 feet.

I HEREBY CERTIFY that the amendment to the Planning District 5 Land Use By-law as set out above, was passed by a majority vote of the whole Western Region Community Council at a meeting held on the ____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2008.

Municipal Clerk

Council Report Sign-Off Sheet

Subject: Subdivision of Semi-Detached Dwellings, Herring Cove

Meeting Date: March 31, 2008 Regular Council In Camera Information Report
 Community Council Board/Committee

Prepared by: Paul Sampson, Community Development Date: March 26, 2008
 Name and Business Unit

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager				
	Fire				
	HR				
	IAM				
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
	Halifax Water				
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				
	Stakeholder - External				